

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Clare Cash-Davis, Bernard Ceasar, Carolyn
Neal, and Tawanda Taylor-White,
Plaintiffs,

vs.

Access Community Rehabilitative Behavioral
Health Services and Jembralyn Jones,
individually and as a managing agent of
Access Community Rehabilitative Behavioral
Health Services,

Defendants.

C.A. No.: 3:17-466-JFA

**NOTICE OF REMOVAL OF CIVIL
ACTION TO THE UNITED STATES
DISTRICT COURT**

Defendants, Access Community Rehabilitative Behavioral Health Services and Jembralyn Jones, by and through their undersigned counsel of record and pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), hereby file this Notice of Removal, based on the following grounds:

1. Access Community Rehabilitative Behavioral Health Services and Jembralyn Jones (hereinafter “Defendants”) are the Defendants in State Case No. 2016-CP-32-4193, entitled “Clare Cash-Davis, Bernard Ceasar, Carolyn Neal, and Tawanda Taylor-White, v. Access Community Rehabilitative Behavioral Health Services and Jembralyn Jones, individually and as a managing agent of Access Community Rehabilitative Behavioral Health Services.”

2. Plaintiffs commenced the action referred to in paragraph 1 by filing a Summons and Complaint in the Lexington County Court of Common Pleas, on or about December 12, 2016. Copies of the Summons and Complaint are attached as Exhibit A, and constitute all process, pleadings, and orders received by the Defendant.

3. Defendants were served with the Summons and Complaint by Process Server on January 19, 2017.

4. The present action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which the Defendants may remove pursuant to the provisions of 28 U.S.C. §§ 1441(a) because Plaintiffs' claims arise under the laws of the United States.

5. The Complaint alleges violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and the statutory and case law of the State of South Carolina.

6. Therefore, the Complaint may properly be removed on the basis of federal question jurisdiction.

7. Venue for purposes of removal is proper in this Court pursuant to 28 U.S.C. § 1441(a).

8. This Notice of Removal of Civil Action is filed within 30 days after service by Process Server of a copy of the initial pleading setting forth the Plaintiffs' claims for relief, and is therefore timely under 28 U.S.C. 1446(b).

9. Defendants will file a copy of this Notice of Removal with the Clerk of Court of Common Pleas of Lexington County, South Carolina, and will give written notice of this Notice of Removal to the Plaintiffs, the only adverse parties, as required by 28 U.S.C. § 1446(d). A copy of these notices is attached hereto as Exhibit B.

10. Attached herewith as Exhibit C is Defendants' Local Rule 26.01 Interrogatories.

WHEREFORE, Defendants pray that the above action now pending in the Court of Common Pleas of Lexington County, South Carolina, be removed therefrom to this Court.

BOYKIN & DAVIS, L.L.C.

By: s/Shawn D. Eubanks
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February 16, 2017
Columbia, South Carolina

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CERTIFICATE OF SERVICE

The undersigned of Boykin & Davis, L.L.C., hereby certifies that he has served the following counsel of record with the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION TO THE UNITED STATES DISTRICT COURT**, by mailing a copy of same, postage prepaid and return address clearly indicated, to the following on this 16th day of February 2017:

Bryn C. Sarvis, Esq.
Sarvis Law, LLC
3347-B Augusta Highway
Gilbert, South Carolina 29054

By: s/Shawn D. Eubanks

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